

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE LOGISTICS GUYS INC.,

Plaintiff,

v.

DOMINICK CUEVAS, et al.,

Defendants.

No. 2:23-cv-01592-DAD-KJN

ORDER DENYING PLAINTIFF’S REQUEST  
TO SEAL DEFENDANT CUEVAS’S  
DECLARATION

(Doc. No. 12)

This matter is before the court on plaintiff’s request to seal the declaration of defendant Dominick Cuevas that was filed in opposition to plaintiff’s motion for a temporary restraining order. (Doc. No. 12.) For the reasons explained below, the court will deny plaintiff’s request to seal.

**LEGAL STANDARD**

All documents filed with the court are presumptively public. *San Jose Mercury News, Inc. v. U.S. Dist. Court*, 187 F.3d 1096, 1103 (9th Cir. 1999) (“It is well-established that the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively public.”). “Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cty. of Honolulu*,

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1 447 F.3d 1172, 1178 (9th Cir. 2006) (*quoting Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589,  
2 597 & n.7 (1978)).<sup>1</sup>

3 Two standards generally govern requests to seal documents. *Pintos v. Pac. Creditors*  
4 *Ass'n*, 605 F.3d 665, 677 (9th Cir. 2010).

5 [J]udicial records attached to dispositive motions [are treated]  
6 differently from records attached to non-dispositive motions. Those  
7 who seek to maintain the secrecy of documents attached to  
8 dispositive motions must meet the high threshold of showing that  
"compelling reasons" support secrecy. A "good cause" showing  
under Rule 26(c) will suffice to keep sealed records attached to non-  
dispositive motions.

9 *Kamakana*, 447 F.3d at 1180 (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,  
10 1135–36 (9th Cir. 2003)). The reason for the two different standards is that "[n]on-dispositive  
11 motions are often unrelated, or only tangentially related, to the underlying cause of action, and, as  
12 a result, the public's interest in accessing dispositive materials does not apply with equal force to  
13 non-dispositive materials." *Pintos*, 605 F.3d at 678 (internal quotation marks omitted).

14 Under the "compelling reasons" standard applicable to dispositive motions,<sup>2</sup> including  
15 plaintiff's motion for a temporary restraining order to which defendant Cuevas opposed in his  
16 declaration:

17 [T]he court must conscientiously balance the competing interests of  
18 the public and the party who seeks to keep certain judicial records  
19 secret. After considering these interests, if the court decides to seal  
20 certain judicial records, it must base its decision on a compelling  
reason and articulate the factual basis for its ruling, without relying  
on hypothesis or conjecture.

21 *Id.* at 1178–79 (internal quotation marks and citations omitted). The party seeking to seal a  
22 judicial record bears the burden of meeting the "compelling reasons" standard. *Id.* at 1178.

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23 <sup>1</sup> Pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure, a court "may order that a filing  
24 be made under seal without redaction." However, even if a court permits such a filing, it may  
25 "later unseal the filing or order the person who made the filing to file a redacted version for the  
public record." Fed. R. Civ. P. 5.2(d).

26 <sup>2</sup> While the terms "dispositive" and "non-dispositive" motions are often used in this context, the  
27 Ninth Circuit has clarified that the "compelling reasons" standard applies whenever the motion at  
28 issue "is more than tangentially related to the merits of a case." *Ctr. for Auto Safety v. Chrysler*  
*Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016).

1 “In general, ‘compelling reasons’ sufficient to . . . justify sealing court records exist when  
 2 such ‘court files might . . . become a vehicle for improper purposes,’ such as the use of records to  
 3 gratify private spite, promote public scandal, circulate libelous statements, or release trade  
 4 secrets.” *Kamakana*, 447 F.3d at 1179 (quoting *Nixon*, 435 U.S. at 598). “The mere fact that the  
 5 production of records may lead to a litigant’s embarrassment, incrimination, or exposure to  
 6 further litigation will not, without more, compel the court to seal its records.” *Id.* The  
 7 ‘compelling reasons’ standard is invoked even if the dispositive motion, or its attachments, were  
 8 previously filed under seal or protective order.” *Id.* at 1178–79.

### 9 ANALYSIS

10 Here, defendant Cuevas filed a declaration in opposition to plaintiff’s motion for a  
 11 temporary restraining order. (Doc. No. 7.) In that 12-page declaration, defendant Cuevas stated  
 12 the name of two of plaintiff’s customer-shippers, twice—on line 12–13 of page 3, and on line 27–  
 13 28 on page 4. (*Id.* at 3, 4.) Plaintiff filed the pending request to seal the entire Cuevas declaration  
 14 “on the ground that some of [plaintiff’s] customer identities are disclosed in Cuevas’  
 15 Declaration.” (Doc. No. 12-1 at 1.) Plaintiff argues in conclusory fashion that “[i]f defendant’s  
 16 inclusion of plaintiff’s customer identities in Mr. Cuevas’ declaration is allowed to stand, it would  
 17 inflict the very harm that plaintiff is seeking to prevent by means of this lawsuit.” (*Id.* at 2.)  
 18 Plaintiff also asserts that “[t]he injury which would accrue from having plaintiff’s customer  
 19 information floating around in public is exactly the sort of disclosure which ‘might harm a  
 20 litigant’s competitive standing.’” (*Id.*) (quoting *Ctr. for Auto Safety*, 809 F.3d at 1097).

21 Critically, however, plaintiff does not provide any factual basis or analysis to support its  
 22 mere allegation that its customers’ identities constitute trade secrets, nor does plaintiff articulate  
 23 how disclosure of these two customer shippers’ names would cause harm to its competitive  
 24 standing. Plaintiff has thus failed to establish compelling reasons justify sealing the entire Cuevas  
 25 declaration.<sup>3</sup> Accordingly, the court will deny plaintiff’s request to seal.

26 <sup>3</sup> Moreover, it is notable that plaintiff did not request that the court direct defendants to file a  
 27 redacted version of the Cuevas declaration that simply redacts those two customers’ names in the  
 28 two places in which they are referenced. Nevertheless, plaintiff’s barebones and unsupported  
 arguments are insufficient to even justify ordering such redactions.

**CONCLUSION**

For the reasons explained above, plaintiff's request to seal (Doc. No. 12) is denied.

IT IS SO ORDERED.

Dated: **August 31, 2023**

*Dale A. Drozd*  
UNITED STATES DISTRICT JUDGE